IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 32051 of 2006(N)

PETITIONER:

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1. ALLEYMOL SEBASTIAN,
   LECTURER SENIOR SCALE, DEPARTMENT OF ENGLISH,
   ALPHONSA COLLEGE PALA, KOTTAYAM DISTRICT.

2. SR.CELINE MATHEW,
   LECTURER SENIOR SCALE, DEPARTMENT OF MALAYALAM,
   ALPHONSA COLLEGE, PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SRI.RATHEESH.P.R.

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY ITS SECRETARY TO GOVERNMENT,
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION,
   KOTTAYAM.

3. THE MAHATMA GANDHI UNIVERSITY,
   REP. BY ITS REGISTRAR,
   PRIYADARSHINI HILLS, ATHIRAMPUZHA,
   KOTTAYAM.

BY SENIOR GOVT. PLEADER SRI T.T. MUHAMOOD
SRI. V.A. MUHAMMED, SC, M.G. UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER No.AcBv(2)/565/04 DT. 26.4.05 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER

EXT.P2. COPY OF THE ORDER No.AcBv(2)/600/04 DT. 3.5.05 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 32051 OF 2006

Dated this the 29th day of May, 2007

J U D G M E N T

The primary prayer made by the petitioners in this writ petition, which is at the instance of two senior scale Lecturers in an aided college under the M.G. University, is "to issue a writ of mandamus or other appropriate writ order or direction commanding the 2nd respondent to disburse the revised UGC salary and arrears to the petitioners in the promoted post of Lecturer Senior Scale from 3/5/02 and 24/7/02 respectively covered as per Exhibit-P1 and P2 within a stipulated time as directed by this Hon'ble Court."

2. It is the case of the petitioners that they are entitled to be placed in the category of Senior Scale Lecturer under the UGC scheme. It is pointed out that the University had already approved the promotion of the petitioners provisionally, as revealed from Exts.P1 & P2. But no action has been taken by respondent No.2 in this regard. Learned counsel invites my attention to two decisions of this Court reported in **Cherian Mathew v. Principal, S.B. College, Changanassery** [1998 (2)

KLT 144] and **Jayaprasad v. State of Kerala** [2003 (2) KLJ 189].

3. Learned Government Pleader submits that the matter will be taken up by respondent No.2 before the University. He further submits that after obtaining clarifications, an appropriate decision will be taken in the matter without delay.

In the peculiar facts and circumstances, the writ petition is disposed of with a direction to respondent No.2 to raise his objections against the claim made by the petitioners before respondent No.3 within a period of two months from the date of receipt of a copy of this judgment. On receipt of the same, the University shall take a decision in the matter strictly on its merit and in accordance with law after hearing the petitioners as expeditiously as possible, at any rate, within a period of two months from the date of receipt of the statement of objections from respondent No.2. Needless to mention that the benefits claimed by the petitioners shall be disbursed to them forthwith, if the University takes a view in conformity with Exts. P1 & P2.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007